

# Citizen's City Referendum Number 1

As part of the election on November 8, Sandy citizens will have the opportunity to vote on a referendum regarding the zoning of the "Gravel Pit" in Sandy. The referendum language which voters will be asked to consider is as follows:

*In November 2004, the Sandy City Council voted in favor of Ordinance No. 04-45. If approved by the voters, the ordinance will amend the zoning category applicable to the "Gravel Pit" (approximately 1000 East and 9400 South), to allow a number of new uses that are prohibited under the current zone. A vote "For" will approve those changes.*

Shall Ordinance No. 04-45 be approved?

- ☐ For  
☐ Against

## ORDINANCE #04-45

AN ORDINANCE AMENDING TITLE 15 OF THE REVISED ORDINANCES OF SANDY CITY (THE LAND DEVELOPMENT CODE) BY AMENDING SECTION 15-29-20, "SD-X - SKI CONNECT" TO ALLOW ADDITIONAL USES ON THE GRAVEL PIT PROPERTY LOCATED AT APPROXIMATELY 1000 EAST AND 9400 SOUTH; ALSO STATING CITY COUNCIL INTENTS AND PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 15 of the Revised Ordinances of Sandy City (the Land Development Code) by amending Section 15-29-20, "SD-X - Ski Connect" to allow additional uses on the gravel pit property located at approximately 1000 East and 9400 South; and

WHEREAS, the Sandy City Planning Commission discussed the proposal at a public meeting and recommended the amendment to the City Council; and

WHEREAS, a public hearing was held before the Sandy City Council on October 19, 2004 to consider adoption of the proposed amendment, which hearing was preceded by public notice, posted in Sandy City Hall, Sandy Parks & Recreation, Sandy Library and Salt Lake Community College on September 27 and October 15, 2004, and published in the Salt Lake Tribune on October 4 and October 19, 2004; and held a second public hearing on November 9, 2004 to consider adoption of the proposed amendment, which hearing was preceded by public notice which was posted in Sandy City Hall, Sandy Parks & Recreation, Sandy Library, and Salt Lake Community College on October 15 and 20, 2004 and published in the Salt Lake Tribune on October 19, 2004.

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9 Utah Code Ann. 1953 to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

WHEREAS, the foregoing legitimate governmental objectives are achieved by reasonable means in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated,

on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. where appeals can be heard and decided if it is alleged that there is legislative or administrative error or where a special exception or variance to the ordinance is required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Title 15 is amended as shown on Exhibit "A" which is attached hereto and by this reference made a part hereof..

Section 2. The City Council expresses the following intents as an aid to the Planning Commission in its review of projects proposed under this ordinance:

(a) Park Development. It is the intent of the City Council that park development under this ordinance comply fully with the City's general plan. Specifically, that approximately 21 acres of usable park space be part of the site plan as follows:

Approximately 12-acres total in conjunction with a flood detention basin on the northern part of the site a portion of which is to be purchased by the City with Redevelopment Agency funding or from other sources.

6.5 acre adjacent to Sandy City's 22-acre Community Center site (south-east corner of Gravel Pit).

A trail and landscape link running along the eastern edge of the Gravel Pit property between the Community Center site and the 12-acre detention basin site.

(b) Connecting Road. It is the intent of the City Council that the site developer provide a street connection between the existing 22-acre Community Center site to the traffic light at the intersection of 9400 South and the Ski Connect Road.

(c) Housing. It is the intent of the City Council that housing densities be moderate and provide a stable and well-planned community of high-quality construction.

(d) Buffering and Landscaping. It is the intent of the City Council that the trail and landscape link running along the eastern edge of the Gravel Pit site provide effective buffering to neighboring residences on the east. Also, that landscaping be provided along the Ski Connect Road and 9400 South.

(e) Commercial Development. It is the intent off the City Council that

retail occupants at the Gravel Pit site employ their highest standards of building design and construction excellence and otherwise comply with Sandy City Architectural Design Standards for Commercial, Office, Institutional and Industrial Developments. It is the Council's further intent that commercial development broaden and diversify business development so as to strengthen the tax base and discourage blight of existing commercial areas.

(f) **Sandy Corners.** The City Council expresses its strong support for businesses in the Sandy Corners area and encourages the establishment of a Redevelopment Agency Area to provide funding to, among other things, encourage established businesses to revive and grow their businesses, upgrade commercial buildings and infrastructure, avoid potential vacancies in the area, and otherwise implement the recommendations of the Sandy Corners Master Plan. It is expected that Redevelopment Agency funds could generate a potential bonding capacity of \$5 to \$15 million which may also be used for acquisition and construction of park properties and other authorized purposes.

Section 3. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 4. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this 23 day of November, 2004.

## **"Exhibit A"**

### **15-29-20 Special District Mixed Use - SD-X - Ski Connect**

(a) **Purpose.** The purpose of the Special District mixed use SD-X Ski Connect is to provide for master-planned mixed use development to act as a cohesive development combining retail, commercial, higher density residential, office and public uses as specified below, under a master plan and standards which encourage integration of uses and appropriate transition to abutting zones.

(b) **Master Development Plan ("MDP").** Development of any uses must be proceeded by an MDP which shows the following:

(1) A reasonable modification of terrain from that required for mining uses to grades appropriate to other uses permitted within the SD-X Zone. Such plan should include an overall site and elevation analysis, grading profiles, revegetation plans, and an analysis of buffering necessary to appropriately transition between the property and neighboring residential areas.

(2) Proposed land uses, residential densities, locations of open space, their acreage and integrations, and internal traffic circulation. Circulation plans shall include combined access points and shared easements between properties.

(3) A general landscaping theme including common roadway berming and other landscaping integrations.

(4) Pedestrian Access and Trails Plan, as outlined in Section 6 below.

(5) The master plan shall also include a conceptual layout showing the mix of office, retail commercial and residential uses proposed to be included on the site.

Any such plan must be approved by the Planning Commission prior to development.

(c) **Standards.** All uses must be developed according to the following standards:

(1) **Lot size.** No minimum is specified, however, lots shall be of sufficient size to assure compliance with all building setback and off-street parking requirements as determined appropriate by the design of the project and approved by the Planning Commission.

(2) **Building Setback.** All buildings shall be set back at least ten [10'] feet from a public right-of-way or private road. Uses may be developed conjointly at the side yards with shared party-walls. If buildings are not joined, there shall be at least a 10 foot setback from each side property line, and side yards shall be properly developed, as specified by Section 15-7-2 (Landscape Standards). Where non-residential buildings or uses abut residential districts of uses, buildings shall be set back at least 30 feet from the property line, and the side yard shall be developed and landscaped as established in Section 15-7-2 (Landscape Standards).

(3) **Building Height.** No building shall exceed a height of forty-five [45] feet from finished grade to the peak of the roof line. An additional height bonus is allowed at a rate of one additional foot of height for each additional foot of setback (in excess of 30 feet) to a maximum height of 55 feet.

(4) **Residential Uses.** Residential uses shall be developed in accordance with either the PUD Standards of Section 15-3 or the Multi-family Standards of Section 15-3-9 or other residential standards in the Sandy City Development Code. Overall residential density shall not exceed 20 units per acre, however, dedicated green space and open space can be utilized in calculation of overall residential density.

(5) **Sign Regulations.** All signage shall conform to the sign regulations as outlined in the Sandy City Development Code, Sign Regulations.

(6) **Master Plan.** Regardless of the size and ownership of individual parcels, a pedestrian access and trails plan ("PATP") for the overall development must be submitted to the Planning staff for review and approval by the Planning Commission. The plan must show pedestrian access and trails in all phases of the development (including any phasing plans) and both existing and future access to development on adjoining properties, determined through consultation with city staff and adjoining property owners.

(7) **Large retail uses** (big boxes) shall be limited to no more than two on the overall site unless otherwise approved by the Planning Commission.

### **(8) Pedestrian Access**

(a) All buildings within the development shall be designed to be pedestrian friendly by way of connecting walkways.

(b) Sites shall be designed to allow for safe pedestrian access from parking areas to the building, from building to building, from the building to adjacent developments and from buildings to the public sidewalk to minimize the need to walk within the parking lot among cars.

(c) Pedestrian access may be accomplished with raised planters and sidewalks with the planters being at least 5 feet in width and the sidewalk being at least six (6) feet in width. At least one sidewalk/planter connection between the building and the perimeter street is required.

(d) Pedestrian connections shall also be made, when feasible between developments, between buildings within a development, to any streets adjacent to the property and to any pedestrian facilities that connect with the property.

(e) Walkways and connections to trail systems shall be incorporated into the project.

(f) Pavers, borders, and other sidewalk design materials with compatible colors shall be used as needed in order to break up expanses of hard surfacing and to encourage pedestrian interest and activity.

(g) Extensive use of crosswalks shall be incorporated within the project, at intersections, mid-blocks, within parking lots, or other needed pedestrian connections. Crosswalks shall be configured to be a design feature of the development, i.e. heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use. Bulb-outs and other pedestrian designs shall be used to shorten walking distances across open pavement. Planted medians shall be used in appropriate areas to encourage walking and act as a 'refuge' for crossing pedestrians.

#### (9) **Parking.**

(a) Developments will not be allowed to be 'over parked' without justification and approval from the Planning Commission. Developments are encouraged to provide employees with access to multi-modal transit systems (i.e. eco passes, etc. for bus and light rail) in order to decrease the need for parking and transit trips to the development site.

(b) Developments may also be 'under-parked' if justified with a walkable design that demonstrates such.

(c) The use of shared parking with adjacent sites is encouraged according to the Shared Parking provisions of the Sandy City Off-Street Parking Ordinance in order to reduce unnecessary parking areas and to encourage pedestrian activity.

(10) **Traffic Impact Mitigation.** As each phase of the development is submitted for site plan review, the traffic impact study shall be updated, based upon the actual uses proposed and in accordance with the recommendations of the Sandy City Transportation Engineer.

#### (11) **General Standards.**

(a) The development standards of Chapter 6, Title 15 of these Ordinances shall also apply to this zone.

(b) The Sandy City Architectural Design Standards shall be applied to the design of this development.

#### (d) **Uses.**

15-05-01

### **Permitted Land Use Matrix by Commercial, Office, Hospital, Institutional Care of Industrial Zones.**

**Matrix Explanation.** The matrix below lists all permitted uses within Sandy City commercial zones. The letters "P", "C", or "N" shall mean "Permitted", "Conditional", or "Not Permitted" respectively. For those letters which are followed by a slash "/", the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan).

For those land uses marked with a superscript number (), refer to the following explanatory notes.

#### **1. Explanatory Notes:**

1. The use is not permitted if any part of the proposed/existing building containing the use is within one hundred (100) feet of a dwelling or probable location of a dwelling on existing residentially zoned property.

2. The use is only permitted as a conditional use along the west side of State Street in the CN(HSN) Zone.

3. The use is not permitted if any part of the proposed/existing building containing the use is within two hundred thirty (230) feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan).

4. The use is only authorized as a permitted or conditional use (as designated in the land use matrix) if it is clearly ancillary, subordinate and traditionally accessory to the existing or proposed permitted land use.

5. Planned Unit Development permitted at a density of 12 units per acre.

6. Mini Storage Units only permitted as a conditional use in the CN Zone for areas south of 9600 South and north of 10000 South, and east of 700 East and west of 1300 East. Use is not permitted in all other areas of the CN Zone.

#### **Land Use Category**

**SD(X)**

Accessory Apartments	C
Accessory Structure (unless otherwise specified)	C
Accessory Residential Use (unless otherwise specified)	N
Agriculture	N
Alcoholic Beverage Entertainment	N
Alcoholic Beverage Class A License	P
Alcoholic Beverage Class B License	P
Alcoholic Beverage Class D License	C
Alcoholic Beverage Class E License	C
Alcoholic Beverage Package Agency	N
Alcoholic Beverage Private Club	N
Alcoholic Beverage State Liquor Store	N
Alzheimer's Facility	C
Ambulatory Surgical Facility	N
Ancillary Commercial as part of a mixed use building	C
Ancillary Commercial as a stand alone use	C
Animal Hospital, Veterinary Office	P
Animal Kennel, Commercial	N
Arcade	N
Athletic, Tennis, Health Club	C
Assembly, High Tech	N
Assisted Living Facility – Limited Capacity (must comply with development standards for that zone – i.e., setback, height, bulk, min/max square footage)	C

Assisted Living Facility – Large Capacity (must comply with development standards for that zone – i.e., setback, height, bulk, min/max square footage)	C
Auto, Truck, RV, Equipment Sales and Rental	N
Auto, Truck, RV, Equipment Storage	N
Automotive Dealerships (new cars and light trucks)	
Sales and Service Agencies	N
Automotive Dealerships (used cars and light trucks)	N
Automotive Rental and Leasing Agencies	N
Automotive Service (Lube and Oil)	C
Automotive Parts Sales	P
Automotive Service and Repair – Major	N
Automotive Service and Repair – Minor	C
Automotive Self Service Station	C
Automotive Service Station	C
Bed and Breakfast Facility	C
Birthing Center	N
Boarding House	N
Botanical and zoological gardens	N
Building Lots that do not have Frontage on a Public Street	C
Business or Financial Services	P
Car Wash and Detailing Shops	C
Cemetery, Columbarium, Crematory,	
Mausoleum	N
Commercial Center, Regional	P
Commercial Repair Services	P
Commercial, Convenience Store	C
Commercial Retail Sales and Services	P
Commercial, Heavy	N
Commercial, Parking Garage	P
Commercial, Specialty	P
Commercial uses of a complimentary nature which are shown to be compatible and necessary for the development project	N
Community Correctional Facility	N
Conference and Convention Facilities	N
Conservation areas including but not limited to wilderness areas, watershed areas, wildlife refuges, wetlands, and any lands under the Jordan River Parkway Authority	N
Convenience Sales and Services	P
Correctional Facility	N
Comprehensive Mental Health Treatment	N
Congregate Care Facility	N
Crematory, Embalming Facility	N
Dance Hall, Discotheque	N
Day Care, Group	C
Dwelling, Multiple Unit – Transitional Care Development	N
Dwelling, Duplex	C
Dwelling, Earth Sheltered	C
Dwelling, Group Planned	C
Dwelling, Multiple Unit	C
Dwelling, Single Family	P
Educational Facility with Housing	N
End State Renal Disease Facility	N
Equestrian Facilities	N
Equipment Sales and Services	N
Extended Living Areas	P
Exposition/Convention Center	N
Forests	N
Fraternity or Sorority House	N
Historic Preservation and monument sites	C
Homeless Shelter	N
Home Health Agency	N
Home Occupation, Category I & II	P
Home Occupation, Category III	N
Hospice	N
Hospital	N
Hotel, Motel	C
Industry, Light	N
Industry, Medium	N
Jail	N
Juvenile Detention Facility	N
Juvenile Secure Facility	N

Laboratories, Development and Testing	N
Library	C
Manufactured Homes	N
Medical and Health Care Offices	P
Mixed Use, Residential and Office Use	C
Mixed Use Commercial/Residential Development	C
Mobile Homes	N
Model Home	C
Mobile Home Park	N
Mortuary, Funeral Home	N
Multi-Family, 8 U/A	N
Nursing Care Facility	N
Nursing Home, Convalescent Home, and Rest Home (must comply with development standards for that zone – i.e., setback, height, bulk, min/max square footage)	C
Office, Administrative, Corporate, and General	P
Open air theaters and meeting places	C
Open Space in Sensitive Area Overlay Zone	C
Park and Ride Facilities	P
Park and Ride Facilities on Arterial Streets	P
Parks	C
Pawn Shop	N
Permanent Make-Up	N
Planned Unit Development	C
Plant Nursery	C
Playgrounds	C
Prison	N
Protective Housing Facility	N
Prototype Production Facilities	N
Public and private parks and recreation areas including but not limited to playgrounds, athletic fields, golf courses, country clubs, tennis courts, and swimming pools.	C
Publicly dedicated open space	C
School, Commercial (Low-Impact)	C
School, Private or Quasi-Public	C
School, Public	C
Sheltered Workshop	P
Small Health Care Facility	P/C
Social Detoxification Facility	N
Social or Reception Center	C
Storage (Mini-Storage) Facilities	N
Street Vendors	C
Tattoo Parlor	N
Trade or Vocational School	P
Transitional Care Development	N
Transitional Housing Facility (must comply with development standards for that zone – i.e., setback, height, bulk, min/max square footage)	N
Twin Home	C
Theater	C
Warehouse, Wholesale	N
Veterinary Hospital, Small Animal	C
Zero Lot Line Development (Detached Only)	C
Zero Lot Line Development	C
Public Service	C
Public Utility Station	C
Reception Center	C
Recreation Center	C
Recreation, Indoor	C
Recreational Vehicle Park	N
Recyclable Materials Collection/Drop-Off Facility	N
Rehabilitation/Treatment Facility	N
Religious or Cultural Activity	C
Research, Business and Scientific	C
Research Park	N
Residential Facility for Elderly Persons (must comply with development standards for that zone – i.e., setback, height, bulk, min/max square footage)	N
Residential Lease, Short Term	N
Residential Health Care Facility, Residential Care Facility	N
Restaurant	P
Restaurant, Drive-up Window	C
School, Commercial	C

# ***The arguments for or against the proposed measure are the opinions of the authors.***

## Argument For the Rezone

### **Friends of Quarry Bend**

After several public hearings and hours of testimony, the Sandy Planning Commission and City Council approved a zoning change for the 107-acre gravel pit that includes parks, trails, small shops, restaurants, homes, offices, Lowe's Home Improvement and Wal-Mart Super Center. Zoning was changed because Sandy no longer desires manufacturing, warehousing and a sea of apartments at the gravel pit.

There is some confusion about the upcoming referendum - what is allowed in the current zone, what was allowed in the old zone, and what part a park plays.

#### **Voting**

For = you agree with the zoning.

Against = you desire the old zoning.

#### **For**

A "for" vote means that you want a planned, mixed-used, and walkable development with parks, homes, retailers, and restaurants.

A "for" vote will result in an 8-acre park with softball/baseball and soccer/football fields, an additional 6-1/2 acre park, and trails, landscaping and open-space around the property.

A "for" vote will keep Sandy City financially sound. Sales taxes collected by retailers will be used to fund Sandy's police officers, fire fighters and paramedics.

A "for" vote will provide \$1.34 million annually to the Jordan School District from property taxes paid by the Quarry Bend development.

A "for" vote ensures that there will be high quality homes of moderate density.

A "for" vote guarantees needed improvements will be made to the "Ski-Connect" road using no taxpayer money.

#### **Against**

An "against" vote means the gravel-pit will be governed by the old zone. The old zone allows light industrial and office/warehouse uses with buildings up to fifty-five feet tall. The previous zone also allows for up to 1,200 high-density apartments.

An "against" vote means there will be no park at the gravel-pit.

Visit [www.QuarryBend.com](http://www.QuarryBend.com) for more information.

### **REBUTTAL**

It has been said that, "Everyone is entitled to their own opinions. What they are not entitled to is their own facts." That same saying applies to the opponents of the zoning change for the gravel pit.

Fact 1: The gravel pit is NOT a residential area. It was, is and remains a gravel pit. It is an eye sore on the ski connect road. What is proposed for this eye sore is a well-planned, well-designed mix of commercial and residential development with a great deal of open space and park for use by our children.

Fact 2: Sandy will NOT lose sales tax revenue with this development. In fact, this development will raise \$1.3 million in new property taxes for local schools and will raise \$300,000 in new sales taxes every year for Sandy services like police and firemen.

For more information visit [www.QuarryBend.com](http://www.QuarryBend.com).

Authors:

Curt Willardson, Molly Darrow, David Hansen, Kelly Casaday, and Brett Andrews

## Argument Against the Rezone

The many volunteers of Save Our Communities have worked hard so that the citizens of Sandy can vote to keep Big Box retail out of residential neighborhoods.

The existing zone for the gravel pit allows nine permitted uses: business and financial services; homes for the elderly/handicapped; single family residential; open space; medical offices; small motel/hotel; public services; and schools. All of these designations are considered neighborhood-service, low-impact uses.

This zone allows many options for the landowner to develop in ways that are appropriate for a residential neighborhood. The current zone states that Big Box stores are **"prohibited and unlawful"** in the gravel pit. Allowing Boyer to rezone the gravel pit to add big boxes would damage our quality of life.

### **Big Boxes do not belong in residential neighborhoods.**

Studies have shown that property values decline, traffic skyrockets, noise and air pollution increase, crime escalates, and the character of our community is changed forever.

### **Big Boxes belong in the commercial corridors already zoned for such development where they can better maximize sales tax revenue.**

This is not an attempt to "lock Wal-Mart out of Sandy." There is a commercial corridor in Sandy between I-15 and State Street specifically designated for Big Box stores. That is where Costco, the Auto Mall, South Towne Mall, and Jordan Commons have located and are prospering. Wal-Mart belongs there.

### **If the rezone is allowed, Big Box retailers will force local businesses out and the City will lose that sales tax revenue.**

### **Voting AGAINST the Rezone will not cost taxpayers money.**

Sandy City will not lose tax revenue if Wal-Mart and Lowe's are not permitted to relocate to the gravel pit. Local businesses can locate there under the current zone, and will generate sales tax revenue. Community businesses also pay better wages and benefits, producing more income tax revenue for education, and saving taxpayers money on state assistance.

### **Big corporations and developers should not be able to buy zoning changes.**

City officials should listen to the citizens and make decisions in our best interest, not those of developers.

### **Vote AGAINST the Rezone!**

### **REBUTTAL**

"Friends of Quarry Bend" is actually the developer, Boyer Company.

Manufacturing, warehousing, and "1,200 high-density apartments" are **NOT** currently permitted uses - it would take a vote of your Planning Commission and City Council to allow it. (Boyer's proposed rezone allows 400+ apartments not currently permitted.)

With all the sales tax revenue Sandy already collects, only serious budget mismanagement by City officials would affect quality "police, fire and paramedic" services.

Boyer's "park" consists of a required catch basin, required landscaping, and a whopping 6 acres of grass - no park at all.

The rezone would harm schools. Sandy City has voted in favor of using Redevelopment Agency money generated from the Gravel Pit. \$1.34 million in annual property taxes meant for Jordan School District will instead fund the RDA.

**"AGAINST"** means **NO BIG BOXES** in residential neighborhoods.

**"FOR"** means **BIG BOXES**.

Verify these and all facts at [www.saveourcommunities.com](http://www.saveourcommunities.com).

Authors: Sandra C. Parsons, Toni Van Ekelburg, Richard H. Bickel, Barbara Swenson, and Rick C. Burrell